

July 27, 2011

The Regular meeting of the Rockingham County Board of Supervisors was held on Wednesday, July 27, 2011, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
FREDERICK E. EBERLY, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Deputy County Administrator
WARREN G. HEIDT, Director of Public Works
ROBERT A. SYMONS, Fire Chief
WILLIAM L. VAUGHN, Director of Community Development
RHONDA H. COOPER, Director of Planning
CHRISTOPHER D. ANDREWS, Planner
GRETCHEN M. SALLAH, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

Chairman Breeden called the meeting to order at 6:00 p.m.

Supervisor Floyd gave the Invocation and Deputy Administrator King led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Eberly, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board approved the minutes of the regular meeting of July 13, 2011.

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INTRODUCTION.

Boy Scout Wesley Eichlin, Troop 40, introduced himself to the Board. He was attending the meeting to earn a merit badge.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Supervisor Eberly noted the abundance of thistles growing along the roadside this year due in part to infrequent mowing schedules. Mr. Komara agreed.

Administrator Paxton requested authorization from the Board to execute contracts for the locally-administered road projects on Reservoir Street.

On motion by Supervisor Eberly, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board authorized the County Administrator to execute the Virginia Department of Transportation contract to locally-administer the road project on Reservoir Street.

In addition, he requested authorization to enter a Memorandum of Understanding between Great Eastern Resort Corporation and the County for the improvement of Spotswood Trail (Route 33) between Resort Drive (Route 644) and East Point Road (Route 602). The project will add an additional lane on the north side of Spotswood Trail (Route 33) and improve the intersection at Spotswood Trail (Route 33) and East Point Road (Route 602). Great Eastern Resort Corporation will pay \$750,000 to the County, which is the local share of the revenue sharing project approved for this project.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board authorized the County Administrator to enter into a Memorandum of Understanding with Great Eastern Resort Corporation for the improvement of Spotswood Trail (Route 33) between

Resort Drive (Route 644) and East Point Road (Route 602) to add a lane and improve the intersection.

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RESOLUTION - FARM VEHICLES.

Supervisor Cuevas brought forth a motion that the Board adopt the following resolution:

Resolution

WHEREAS, on May 31, 2011 the Federal Motor Carrier Safety Administration issued Regulatory Guidance: Applicability of the Federal Motor Carrier Safety Regulations to Operators of Certain Farm Vehicles and Off-Road Agricultural Equipment in the Federal Register under 49 CFR Parts 383 and 390; and,

WHEREAS, the purpose of this notice was to solicit public input concerning regulatory guidance on the applicability of the Federal Motor Carrier Safety Regulations to operators of certain farm vehicles and off-road agricultural equipment; and,

WHEREAS, the regulations seek guidance from the public in three specific areas, as it pertains to the applicability of such regulations to agriculture, as follows

- (1) the distinction between interstate and intrastate commerce in deciding whether operations of commercial motor vehicles within the boundaries of a single State are subject to the Federal Motor Carrier Safety Regulations;
- (2) the relevance of the distinction between direct and indirect compensation in deciding whether farm vehicle drivers transporting agricultural commodities, farm supplies and equipment as part of a crop share agreement are subject to the commercial driver's license regulations; and,
- (3) determining whether off-road farm equipment or implements of husbandry operated on public roads for limited distances are considered commercial motor vehicles.

NOW THEREFORE BE IT RESOLVED, that the Rockingham County Board of Supervisors expresses its deep concern and opposition to increasing federal regulation of the farming community. Regulations that will make it difficult for small farms and family-run farms to operate while meeting the proposed guidelines related to commercial driver's licenses and the applicability of commercial status of vehicles when transporting farm products within the Commonwealth; and,

BE IT FURTHER RESOLVED, that while the Board of Supervisors supports measures that help to make the road safe for all drivers, it concurs with the Virginia Farm Bureau that such regulation should be left to the individual states; and,

BE IT FURTHER RESOLVED, that the Board calls upon the Virginia federal legislative delegation to oppose the implementation of these regulations.

Seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board approved the resolution opposing proposed federal regulation requiring commercial driver’s licensure and commercial status of vehicles for farm vehicles and off-road agricultural equipment.

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RESOLUTION – CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION CHARTER AGREEMENT.

Administrator Paxton discussed with the Board proposed changes to the membership of the Central Shenandoah Planning District Commission reducing the number of County representatives from the current five to four. Under the current by-laws, the County would add a sixth member as a result of the 2010 census. Staff recommended the Board adopt the proposed changes and concur with the reduction in the number of County members to four.

On motion by Supervisor Eberly, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following resolution amending the Central Shenandoah Planning District Commission’s Charter Agreement:

RESOLUTION

A Resolution Concurring with Recommended Amendment to the Central Shenandoah Planning District Commission Charter Agreement

WHEREAS, the *County of Rockingham* entered into an Agreement on 30 September 1969 to form the Central Shenandoah Planning District Commission; and

WHEREAS, the Central Shenandoah Planning District Commission was created to facilitate effective regional planning and to provide planning and technical services to its member localities; and

WHEREAS, from time-to-time the Central Shenandoah Planning District Board of Commissioners reviews its Charter Agreement and Bylaws and submits recommendations to its member localities for Charter Agreement amendments as may be appropriate.

NOW, THEREFORE BE IT RESOLVED by the *County of Rockingham* that it does hereby concur with and approve the recommended amendments to the Charter Agreement on

this the 27th day of July, 2011, said amendments being more specifically described as follows:

Article II, Section 1

**PROPOSED CSPDC MEMBERSHIP
POPULATION MATRIX**

1 to 15,000 <u>1 to 20,000</u>	One member who is an elected member of his/her governing body.
15,001 to 30,000 <u>20,001 – 40,000</u>	One additional member who either holds no office elected by the people or is an elected official but not a member of his/her appointing governing body.
30,001 to 45,000 <u>40,001 to 60,000</u>	One additional member who is an elected member of his/her governing body.
45,001 to 60,000 <u>60,001 and above</u>	One additional member who either holds no office elected by the people or is an elected official but not a member of his/her appointing governing body.
60,001 to 75,000	One additional member who is an elected member of his/her governing body or an elected official of another jurisdiction within his/her appointing governing body's county.
75,001 to 90,000	One additional member who either holds no office elected by the people or is an elected official but not a member of his/her appointing governing body.
90,001 to 105,000	One additional member who is an elected official of his governing body, or an elected official of another jurisdiction within his/her appointing governing body's county.
105,001 to 120,000	One additional member who either holds no office elected by the people or is an elected official but not a member of his/her appointing governing body.
120,001 to 135,000	One additional member who is an elected official of his governing body, or an elected official of another jurisdiction within his/her appointing governing body's county.
135,001 to 150,000	One additional member who either holds no office elected by the people or is an elected official but not a member of his/her appointing governing body.

This table is established to assure that a majority of the COMMISSION members shall be elected officials of the governing bodies of the governmental subdivisions. In determining the population of counties, the numerical total shall be exclusive of participating towns which have a population of three thousand, five hundred (3,500); said towns are eligible to have one representative. The Towns over 3,500 in population are eligible to each have one elected representative on the Board, but may opt out if they choose.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's staff report of July 22, 2011.

Administrator Paxton asked the Board to consider changing the start of their regular meeting from 3 p.m. to 2 p.m. on August 10, 2011 with the public hearing for special-use permits to be held at 7 p.m. so that the Board and staff could attend the Bergton Fair during its evening recess. The changes would be advertised in the *Daily News Record*. Additionally, a work session and lunch will be held from 12 p.m. until 2 p.m. that day for the Board and Task Group to hear a presentation by the Timmons Group on the Rockingham Center for Research and Technology Master Plan.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board requested the County Administrator to advertise the August 10, 2011 meeting to start at 2 p.m. and the public hearing to start at 7 p.m.

Administrator Paxton updated the Board on the marketing and branding initiative led by Jane Van Ryan and informed them that Davenport will make a presentation at the next meeting with a proposal to restructure the debt from the Rockingham Center for Research and Technology.

Administrator Paxton introduced Chief Symons, who gave a presentation to the Board on Emergency Medical Services (EMS) transport billing. The new fee has generated nearly \$2 million in revenue since its inception in 2009, which is in line with staff estimates. Chief Symons noted that the County has received approximately 75% of the amount billed compared with the average, which is a 50-60% recovery.

Chief Symons said an example of how the recovered funds have been used is to replace aging ambulances in Broadway and Elkton. The Finance Committee requested Chief Symons create a uniform accounting system for the fire companies and rescue squads. He advised that staff will be working with the volunteer leadership to develop a plan that will be included in the next budget.

In response to Supervisor Eberly's inquiry into the program's execution and community response, Chief Symons said they received a few calls, but not as many as expected. The relationship with the third-party billing company has been outstanding and they have delivered as promised, he said.

Supervisor Kyger spoke in favor of the program stating that contributions to volunteer fire companies and rescue squads have likely dropped during the recession and the EMS billing will allow volunteers to focus on training instead of fundraising.

The County will host the three financial ratings agencies: Moody's Investors Service, Inc., Standard & Poor's Financial Services LLC, and Fitch Ratings Ltd. August 17-18, 2011, Administrator Paxton said.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated July 27, 2011.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated July 27, 2011.

Rhonda Cooper, Director of Planning, discussed an amendment to the Urban Development Area (UDA) originally discussed with the Board and Planning Commission on May 25, 2011. On June 7, the Planning Commission recommended adding the properties owned by George Weidig and Ronnie Sours and on July 18, added a seven-parcel strip to the area defining the UDA. The additional parcels make the UDA compact and their addition to the UDA does not change the allowable development rights of the properties, said Ms. Cooper.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board approved the UDA, to include the additional seven parcels owned by George Weidig and Ronnie Sours along Port Republic Road for a UDA total of 1,084 acres, as an amendment to the Comprehensive Plan. The UDA as approved includes 650 vacant/undeveloped acres meeting the state mandate.

On motion by Supervisor Eberly, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table

SUP-104, Steven R. Crawford, 851 Hillside Avenue, Harrisonburg 22802 for second residence on property located on the north side of Wengers Mill Road (Route 753) approximately 2000' west of Harpine Highway (Route 42), Election District #2, Zoned A-1; Tax Map #64-(3)-1. Property address: 4820 Wengers Mill Road. The matter was tabled on July 13, 2011.

Supervisor Eberly said that the request was for a second house on an A-1 property and after careful consideration he added a condition that the 40-acre parcel can only be divided one time.

On motion by Supervisor Eberly, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board, subject to the following conditions, approved SUP-104, Steven R. Crawford, 851 Hillside Avenue, Harrisonburg 22802 for second residence on property located on the north side of Wengers Mill Road (Route 753) approximately 2000' west of Harpine Highway (Route 42), Election District #2, Zoned A-1; Tax Map #64-(3)-1. Property address: 4820 Wengers Mill Road:

CONDITIONS:

1. Use shall be located in substantial accordance with plot plan as approved.
2. Residence shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
3. This permit is contingent upon the Health Department approval of an on-site sewage disposal system.
4. Residence shall not be used for rental purposes.
5. The residence shall not be occupied until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
6. This parcel is limited to no more than one division right, and any parcel divided from this parcel in the future shall have no division rights.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated July 20, 2011.

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APPOINTMENTS.

The Board discussed term limits for committee appointments where the state law does not specify limits. Supervisor Kyger, who had asked for the discussion, stated appointees should be allowed to continue for additional terms at the Board's discretion. If qualified people are willing to serve and have performed to the Board's satisfaction, the respective Board member should be allowed to bring up the candidate for a vote before the full Board, he said.

Supervisor Eberly said he could see arguments for both sides, but felt that after two four-year terms, appointees should be replaced. There is more than one good person in this community, he said. It takes a thoughtful effort to find people willing to serve with the time commitment required; however it should not be difficult to find qualified candidates. He felt that changing the members of a committee can bring diverse viewpoints.

Supervisor Kyger pointed out that in his district (#4) he felt he had one of the best recreation commissioners, but when his terms expired, he had to request the appointee sit out for a period of time. The appointee could have been allowed to continue his service - without interruption – if the Board had been able to vote to allow extending his term.

The Board discussed the matter further and Mr. Miller advised that the current County Code limits Planning Commission members to serving two consecutive terms.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and failed by a vote of 2 to 3, voting recorded as follows: KYGER - AYE; BREEDEN - AYE; CUEVAS - NAY; EBERLY - NAY; FLOYD - NAY; the Board denied the motion to amend the Board's policy to allow unlimited consecutive terms for board and committee members.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board appointed Curt Hartman, owner of Bluestone Vineyards and resident of District #4, and Cari Orebaugh, the County's Economic Development and Tourism Specialist, to the Central Shenandoah Planning District Commission's Fields of Gold Steering Committee.

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COMMITTEE REPORTS.**AIRPORT**

Administrator Paxton advised the Board will take a field trip to the Shenandoah Valley Regional Airport and Dynamic Aviation this fall.

AUTOMOBILE

Mr. King discussed the bid results for four pickup trucks; two to be used by Utilities, one by Animal Control (Sheriff's Department), and one by Fire and Rescue. Three of the trucks are proposed to be full-size, four-wheel drive and one of the Utilities trucks is proposed to be a mid-size, two-wheel drive. Animal Control requires an 8-foot bed for an additional \$190. All of these trucks are needed to replace aging vehicles. As customary, the mechanics at the County garage have been consulted and heavily involved in the decision to replace these vehicles. The bid summary is outlined below:

Supplier	¾ Ton Truck	½ Ton Truck	Specification Met
Myers Ford	\$23,808	\$19,710	Yes
Joe Bowman Auto Plaza	\$25,889	\$20,924	Yes
Dick Myers Chevrolet	\$25,985	\$21,892	Yes

The Myers Ford offering is the State Contract pricing for the vehicles as well as the lowest of the three bids. Note that funds budgeted in the vehicle line items were less than the purchase price for these vehicles. While these line items may be exceeded, the expectation is that the difference will be absorbed within the total budget for these funds through savings in other line items. Consequently, no budget amendment is being recommended. A breakdown of costs versus budgeted funds is provided below:

Department	Purchase Costs	Budgeted Funds	Difference
Utilities	\$43,518	\$40,000	(\$3,518)
Animal Control	\$23,998	\$19,000	(\$4,808)
Fire and Rescue	\$23,808	\$23,100	(\$708)

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized contracting with Myers Ford for four pickup trucks; two to be used by Utilities, one by Animal

Control (Sheriff's Department), and one by Fire and Rescue for a total cost of \$134,842.

BUILDINGS AND GROUNDS

Mr. King advised that a counter area will be added in Public Works to separate the public from the employee area of the office and allow for a place to conduct business.

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION (CSPDC)

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board removed Supervisor Kyger from the Central Shenandoah Planning District Commission.

FINANCE

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following supplemental appropriations.

GENERAL FUND APPROPRIATIONS

Court Services

The County was awarded a grant entitled Criminal Justice Information Technology Improvement. A supplemental appropriation for \$47,853 which consists of \$35,889 in federal funds and \$11,964 in local funds with the local match funded by the County's General Fund Reserve and the City of Harrisonburg.

Supplemental Appropriation: \$47,853

\$11,513	GL Code: 001-02110-700-6014-000	Other Operating Supplies
\$16,875	GL Code: 001-02110-700-6065-000	Minor Equipment
\$ 188	GL Code: 001-02110-700-5501-000	Mileage
\$ 7,313	GL Code: 001-02110-700-3109-000	Other Professional Services
\$11,964	GL Code: 001-02110-700-5697-000	Grant Share
\$35,889	GL Code: 001-03900-2700	Fed Revenue - Criminal Justice Grant
\$ 5,982	GL Code: 001-01899-0600	Share of Costs—City of Harrisonburg
\$ 5,982	GL Code: 001-05201-0100	General Fund Reserve

Court Services

The County was awarded a grant entitled Assessing the Impact of and Responding to the Mentally Ill. A supplemental appropriation for \$59,055, which consists of \$44,291 in federal funds and \$14,764 in local funds which will be funded by the Community Services Board and no local funds will be required.

Supplemental Appropriation: \$59,055

\$29,786	GL Code: 001-02110-700-1300-000	Salaries & Wages – Part time
\$ 3,600	GL Code: 001-02110-700-5501-000	Mileage
\$10,905	GL Code: 001-02110-700-6014-000	Other Operating Supplies
\$14,764	GL Code: 001-02110-700-5697-000	Grant Share
\$14,764	GL Code: 001-01803-0206	Charges for Other Personnel
\$44,291	GL Code: 001-03900-1400	DCJS- Byrne Grant

Sheriff

The County was awarded a Byrne Justice Assistance Grant for the Authenticated Digital Asset Management System (ADAMS) project. A supplemental appropriation of \$53,030 for the purchase of in-car cameras and the maintenance and support of the FORAY digital computer program and server. Federal funds for \$50,379 were provided. The remaining \$2,651 will be provided by the County's General Fund Reserve and the City of Harrisonburg.

Supplemental Appropriation: \$53,030

\$ 5,450	GL Code: 001-03102-180-3032-000	Maintenance Service Contracts
\$47,580	GL Code: 001-03102-180-6065-000	Minor Equipment
\$50,379	GL Code: 001-03900-1400	Byrne JAG Grant
\$ 1,326	GL Code: 001-05201-0100	General Fund Reserve
\$ 1,325	GL Code: 001-01899-0600	Share of Costs – City of Harrisonburg

Institutional Care

A supplemental appropriation of \$43,213 for the County's assessment for the Shenandoah Valley Juvenile Center. This supplemental is required due to the finalization of assessments for the participating jurisdictions. Funding will be provided by the General Fund Reserve.

Supplemental Appropriation: \$43,213

\$43,213	GL Code: 001-05309-000-5615-000	Detention Home
\$43,213	GL Code: 001-05201-0100	General Fund Reserve

On behalf of the Finance Committee, Supervisor Cuevas discussed with Administrator Paxton a requirement that the Board is consulted for approval on all federal grants applied for by County departments.

LIBRARY

Supervisor Eberly stated the committee met at the Page County Library in Luray.

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Mr. Vaughn advised that Greg Campbell, Executive Director of the Shenandoah Valley Regional Airport, was elected as the Chair of the SVP.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger reported on his trip to the National Association of Counties (NACo) meeting in Portland, Oregon. He relayed that as a result of his attendance he was able to add language to the NACo policy requiring consultation and approval of the local governing bodies when mining on federal lands. He also discussed the need for a member of the Board to become involved in the Agricultural Steering Committee for NACo since agriculture is a large part of the local economy. Supervisor Eberly was considering his involvement.

The VACo Board of Directors and Steering Committee meetings will be held August 12, 2011.

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PUBLIC HEARING – WATER SUPPLY PLAN.

Chairman Breeden opened the public hearing at 7:07 p.m. to discuss the Shenandoah River Basin Water Supply Plan and Drought Management Ordinance.

Mr. Heidt and Andrea Terry of the Central Shenandoah Planning District Commission made a presentation to the Board outlining the region's response to the state-mandated regulation.

Chairman Breeden closed the public hearing and reconvened the regular meeting at 7:27 p.m.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled the Water Supply Plan.

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CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board recessed the meeting from 7:29 p.m. to 8:08 p.m., for a closed meeting pursuant to Section 2.2-3711.A (5), Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; (7), Consultation with legal counsel and staff members pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County; and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

MOTION: SUPERVISOR KYGER
SECOND: SUPERVISOR FLOYD

RESOLUTION NO: 11-8
MEETING DATE: JULY 27, 2011

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: BREEDEN, CUEVAS, FLOYD, KYGER

NAYS: NONE

ABSENT: EBERLY (left at 7:45 p.m.)

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ADJOURNMENT.

Chairman Breeden declared the meeting adjourned at 8:10 p.m.

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Chairman